

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

JOSHUA A. UERKVITZ,

Petitioner,

v.

ERIC D. WILSON, Warden,

Respondent.

Civil No. 2:16cv644

ORDER

This matter was initiated by petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. ECF No. 1. Petitioner Joshua A. Uerkvitz was a federal prisoner convicted and sentenced in the United States District Court for the Western District of New York, and was confined at the Federal Correctional Institution in Petersburg, Virginia at the time this petition was filed.


The petition was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. In the Magistrate Judge's Report and Recommendation (ECF No. 27), the Court concluded that jurisdiction to consider petitioner's remedy under § 2241 is lacking. The report recommends that Respondent's Amended Motion to Dismiss (ECF No. 21) be granted, and that Mr. Uerkvitz's petition for a writ of habeas corpus be dismissed with prejudice for lack of jurisdiction. The Magistrate Judge also recommends that Mr. Uerkvitz's Motion to Transfer Jurisdiction (ECF No. 22) be denied as moot, because Mr. Uerkvitz cannot demonstrate entitlement to habeas relief under § 2241.

Mr. Uerkvitz has filed no objections to the Report and Recommendation and the time to do so has passed. This Court, having reviewed the record and examined the Report and Recommendation, adopts and approves the findings and recommendations set forth in the Report and Recommendation. It is, therefore, ORDERED that the Respondent's Amended Motion to Dismiss (ECF No. 21) is GRANTED and that the petition for a writ of habeas corpus (ECF No. 1) is DISMISSED WITH PREJUDICE FOR LACK OF JURISDICTION. It is further ORDERED that Petitioner's Motion to Transfer Jurisdiction (ECF No. 22) is DENIED AS MOOT.

Mr. Uerkvitz may appeal from the Judgment entered pursuant to this Final Order by filing a notice of appeal with the Clerk of this Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within sixty days from the date of entry of such Judgment.

The Clerk shall mail a copy of this Final Order to Mr. Uerkvitz and to counsel of record for Respondent.

IT IS SO ORDERED.



Arenda L. Wright Allen
United States District Judge

February 23, 2018
Norfolk, Virginia